

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:18-cv-00524-MOC

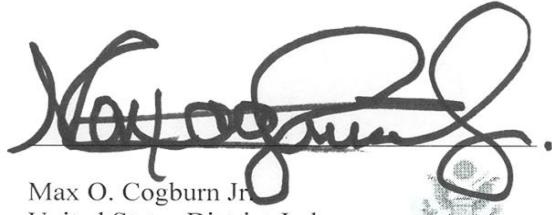
JAMES R. SCHMIERER, )  
                          )  
Plaintiff,             )  
                          )  
Vs.                    )                           ORDER  
                          )  
                          )  
NANCY A. BERRYHILL, Acting )  
Commissioner of Social Security, )  
                          )  
Defendant.            )

**THIS MATTER** is before the Court on plaintiff's pro se Motion to Proceed *In Forma Pauperis* (#2). Review of that motion and the underlying Social Security Complaint reveals that plaintiff resides in Salisbury, North Carolina, which is within the Middle District of North Carolina, not the Western District where plaintiff filed his Complaint. While such a misfiling could result in a dismissal for improper venue, the Court finds that the more appropriate course of action is to transfer this matter to the Middle District inasmuch as the filing of a Complaint appealing the final decision of the Commissioner is time sensitive. Having considered such motion, the Court enters the following Order.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that this action is TRANSFERRED to the Middle District of North Carolina.

Signed: September 28, 2018



Max O. Cogburn Jr.  
United States District Judge